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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,982	10/06/2003	Ebbe Altberg	4704P027	4746

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EXAMINER	
BARNIE, REXFORD N	
ART UNIT	**PAPER NUMBER**
2643	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 10/679,982	**Applicant(s)** ALTBERG ET AL.
	Examiner REXFORD N. BARNIE	**Art Unit** 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 February 2005*.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 8-35* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-5 and 8-35* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Rexford Barnie
REXFORD BARNIE
PRIMARY EXAMINER

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8-15 and 17-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo (US pat# 5,937,390) in view of Pisaris-Henderson et al. (US 2003/0220866) or Kamangar et al. (US Pat 2003/0046161).

Regarding claims 1 and 17, Hyodo teaches an online advertising system and its method comprising of assigning a unique telephone number to an advertiser to be associated with an AD, monitoring calls to the telephone number and gathering data associated with effectiveness of the AD in (see col. 4 lines 50-55,col. 1 line 60-col. 2 and see figs.). Furthermore, according to Hyodo, an advertiser can be billed for telephone calls made to the unique number but fails to teach in detail the billing model or mechanism.

Kamanger teaches methods and apparatus for ordering advertisements based on performance and price information wherein usage statistics can be gathered (see page 2 [0024]) and a plurality of billing models can be used including an advertiser paying a flat rate anytime one views an ad, a click through rate and agreed payment models in (see page 1 [0013, 0014], page 4 [0044-0046]).

Pisaris-henderson teaches system and method for pay for performance advertising in general media wherein a unique number can be assigned and associated with an ad by an advertiser in (see figs.). Furthermore, according to (see page 3 [0033]), effectiveness of an ad can be determined based on incoming calls to the number. Also, a billing model including some form of bid model can be used in (see page 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either Pisaris or Kamanger into that of Hyodo thus making it possible for service provider to determine marketability data associated with one's product, find means to maximize revenue based on data and from the point of view of a telephone company, attracting more advertisers to use telephone services based on the provided service including usage analysis data.

Regarding claims 2-4 and 18-19, The combination teaches a telephone and web based advertising system. The advertisement is created using some form of interface

Regarding claims 5 and 20, The combination renders the claimed subject based on the explanation as set forth regarding claim 1. The combination including Hyodo teaches generation a bill based on the number of calls and so do the secondary references.

Regarding claim 8, Hyodo teaches an online advertising system and its method comprising of assigning a unique telephone number to an advertiser to be associated with an AD, monitoring calls to the telephone number and gathering data associated with effectiveness of the AD in (see col. 4 lines 50-55,col. 1 line 60-col. 2 and see figs.).

Hyodo teaches in (see fig. 3), an advertisement server, call statistics and billing server. Furthermore, according to Hyodo, an advertiser can be billed for telephone calls made to the unique number but fails to teach in detail the billing model or mechanism.

Kamanger teaches methods and apparatus for ordering advertisements based on performance and price information wherein usage statistics can be gathered (see page 2 [0024]) and a plurality of billing models can be used including an advertiser paying a flat rate anytime one views an ad, a click through rate and agreed payment models in (see page 1 [0013, 0014], page 4 [0044-0046]). Kamanger teaches a billing means (225), an AD usage means, creation means and so forth in (see fig.2).

Pisaris-henderson teaches system and method for pay for performance advertising in general media wherein a unique number can be assigned and associated with an ad by an advertiser in (see figs.). Furthermore, according to (see page 3 [0033]), effectiveness of an ad can be determined based on incoming calls to the number. Also, a billing model including some form of bid model can be used in (see page 1). Pisaris-Henderson teaches in (see fig.1), advertiser, media channel, inherent billing means and tracking/monitoring means based on passages in (see pages 1-3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either Pisaris or Kamanger into that of Hyodo thus making it possible for service provider to determine marketability data associated with one's product, find means to maximize revenue based on data and from the point of view of a telephone company, attracting more advertisers to use telephone services based on the provided service including usage analysis data.

Regarding claims 9-10, The combination renders the claimed subject matter obvious.

Regarding claim 11, The examiner takes official notice that it's notoriously well known in the telephony art to direct ads to callers based on ANI, geographical location and dialed telephone number.

Regarding claims 12-14, The combination teaches all the claimed limitation.

Regarding claim 15, VOIP is notoriously well known and can be used when contacting a service provider or advertiser whose information has been displayed on a screen by activating a call button, termination and so forth.

Regarding claim 21, Hyodo teaches an online advertising system and its method comprising of assigning a unique telephone number to an advertiser to be associated with an AD, monitoring calls to the telephone number and gathering data associated with effectiveness of the AD in (see col. 4 lines 50-55,col. 1 line 60-col. 2 and see figs.). Furthermore, according to Hyodo, an advertiser can be billed for telephone calls made to the unique number but fails to teach in detail the billing model or mechanism. A telecommunication service provider would generate a bill to be billed by the advertiser.

Kamanger teaches methods and apparatus for ordering advertisements based on performance and price information wherein usage statistics can be gathered (see page 2 [0024]) and a plurality of billing models can be used including an advertiser paying a flat rate anytime one views an ad, a click through rate and agreed payment models in (see page 1 [0013, 0014], page 4 [0044-0046]).

Pisaris-henderson teaches system and method for pay for performance advertising in general media wherein a unique number can be assigned and associated with an ad by an advertiser in (see figs.). Furthermore, according to (see page 3 [0033]), effectiveness of an ad can be determined based on incoming calls to the number. Also, a billing model including some form of bid model can be used in (see page 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either Pisaris or Kamanger into that of Hyodo thus making it possible for service provider to determine marketability data associated with one's product, find means to maximize revenue based on data and from the point of view of a telephone company, attracting more advertisers to use telephone services based on the provided service including usage analysis data.

Regarding claims 22-26, The combination teaches the claimed subject matter and (page 1 of Henderson) teaches the claimed subject matter of using hyperlink as being known.

Regarding claim 27, The combination teaches the ability to charge for each communication between an advertiser and a caller(customer).

Regarding claims 28-32, The combination including Anderson or Kamangar renders obvious the claimed limitations.

Regarding claim 32, Hyodo teaches an online advertising system and its method comprising of assigning a unique telephone number to an advertiser to be associated with an AD, monitoring calls to the telephone number and gathering data associated with effectiveness of the AD in (see col. 4 lines 50-55,col. 1 line 60-col. 2 and see figs.). Furthermore, according to Hyodo, an advertiser can be billed for telephone calls made to the unique number but fails to teach in detail the billing model or mechanism. A telecommunication service provider would generate a bill to be billed by the advertiser.

Kamanger teaches methods and apparatus for ordering advertisements based on performance and price information wherein usage statistics can be gathered (see page 2 [0024]) and a plurality of billing models can be used including an advertiser paying a flat rate anytime one views an ad, a click through rate and agreed payment models in (see page 1 [0013, 0014], page 4 [0044-0046]).

Pisaris-henderson teaches system and method for pay for performance advertising in general media wherein a unique number can be assigned and associated with an ad by an advertiser in (see figs.). Furthermore, according to (see page 3 [0033]), effectiveness of an ad can be determined based on incoming calls to the number. Also, a billing model including some form of bid model can be used in (see page 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either Pisaris or Kamanger into that of Hyodo thus making it possible for service provider to determine marketability data associated with one's product, find means to maximize revenue based on data and from the point of view of a telephone company, attracting more advertisers to use telephone services based on the provided service including usage analysis data.

Regarding claim 34, see the explanation as set forth regarding claim 1.

Regarding claim 35, The combination teaches the claimed limitation as prior art in (see page 1 of Henderson).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo (US Pat# 5,937,390) in view of Pisaris-Henderson et al. (US 2003/0220866) or Kamangar et al. (US Pat 2003/0046161) and further in view of Osman et al. (US 2002/0095331).

Regarding claim 16, The combination fails to teach the claimed subject matter but Osman teaches a pay for result based marketing wherein a user can access ad information by using devices including a cellular phone in (see page 2 [0017}). Furthermore, Osman teaches that advertiser can be charged using a variety of billing models including result-based fee and periodic fee. Periodic fee, for example (monthly rate), instead of billing for very communication, would be charged a provider a fee for a period of time thus it does not matter how many times a call is made to the provider within that time frame.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Osman into that of the combination thus making it possible to entice advertisers by providing a least costing pricing model to advertise products.

Response to Arguments

Applicant's arguments filed on 12/13/2004 have been fully considered but they are not persuasive.

The combination teaches assigning a telephone number to an adverstiser and being able to bill the advertiser for the advertisement in response to the telephone calls or communications (a plurality of a telephone call) to the telephone number.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is 571-272-7492. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
07/23/05

Rexford Barnie

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